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ADMINISTRATION OF JUSTICE

Joint written statement*/ submitted by Franciscans International, a non-governmental organization
in general consultative status, and Pax Romana, a non-governmental organization
in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[29 June 2001]

*/ This written statement is issued, unedited, as received in English and French, from the
submitting non-governmental organization(s).

Franciscans International, in conjunction with Dominicans for Justice and Peace calls for the end to the death penalty, a penalty that is final and flawed, a penalty that, in many cases reflects both racism and classism; a penalty from which there is no return, no redress; a penalty, that certainly destroys the life of the person condemned, but almost certainly destroys those in whose name the punishment is enacted. We call on all governments to suspend all executions and to abolish the death penalty. We base this call on the writings of Pope John Paul II and of the Bishops of the United States. We base it on our commitment to proclaiming justice and to our history in working to address the unjust structures that impede a just world order. We further base it on the experience of our members in prison chaplainry work and work with the families and friends of victims.

A sign of hope is the increasing recognition that the dignity of human life can never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself without definitively denying criminals the chance to reform. I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.
Pope John Paul II (2000)

We ask all people of good will, particularly Catholics, to work to end capital punishment...we must commit ourselves to a persistent and principled witness against the death penalty, against a culture of death, and for the Gospel of Life. United States Catholic Bishops

Since 1997, the United Nations Commission on Human Rights has adopted resolutions for a moratorium on the death penalty. At present, 109 of the 185 member states of the United Nations have called for an end to the death penalty or a moratorium on its practice. Articles 3 and 5 of the Universal Declaration of Human Rights (UNDHR) state that every human being has the right to life, and the right not to be subjected to cruel and degrading punishment. These rights are inalienable and absolute and cannot depend on behavior. They are the rights of humans, simply, and profoundly, because they are human. To continue to enact the death penalty is to teach that violence and killing are acceptable ways of dealing with violence and killing.

According to Amnesty International, in the past decade more than three countries a year, on average, have abolished the death penalty.

We are compelled to speak out because of the increased use of the death penalty and the state of the death penalty in the United States. By the year 2000, 683 human beings were executed since the death penalty was resumed in 1977. Over 3,700 prisoners in the United States were under sentence of death as of January 1, 2001. To date, 38 states in the United States provide for the death penalty in law; the death penalty is also provided for under United States federal military and civilian law.

In calling for the abolition of the death penalty, we express concerns about its unjust and unequal application. In countries where the death penalty continues to be enacted, it is more likely to be applied in a racist manner, more likely to be applied to minorities and the underclasses in general. Poor people, disabled people and young people are more often subjected to capital punishment.

Execution of the Innocent

Since the reinstatement of the death penalty in the United States in 1977, 93 people in 22 states have been released from death row. Some have come very close to execution after spending many years in prison. Some prisoners have been executed despite serious doubts over their guilt. Governor George Ryan of Illinois in the US has called a halt to executions in his state until he could be sure the death penalty was being administered fairly. The decision followed the exoneration of the 13th death row prisoner found to have been wrongfully convicted in the state of Illinois, since the USA reinstated the death penalty.

Governor Ryan, who is a death penalty supporter, said there was too much evidence of past mistakes for the system to go unexamined and unchecked.

Independent studies suggest that the death penalty does not lead to a decrease in capital crimes.

A study conducted by the United Nations in 1988 and updated in 1996 stated that "the fact that all the evidence continues to point in the same direction is persuasive *a priori* evidence that countries need not fear sudden and serious changes in the curve of crime if they reduce their reliance on the death penalty".

"Research has failed to provide scientific proof that executions have greater deterrent effect than life imprisonment and such proof is unlikely to be forthcoming. The evidence as a whole gives no positive support to a deterrent hypothesis."

The United States Supreme Court has concluded there is no apparent deterrence that can be related to the threat or enactment of the death penalty.

In a democratic country, the cost of the death penalty is higher than life imprisonment.

We are aware of the pain, anger and suffering of the families and friends of the victims of violence and murder. We pledge to stand with them as they struggle to overcome the terrible loss and to find some sense of peace. We recognize that revenge and rage beget revenge and rage and the cycle of violence must be broken for both justice and peace to reign.

Capital punishment does nothing for the families of victims of violent crime other than prolong their suffering through many wasted years of criminal proceedings. Rather than fuelling their cry for vengeance, the state could better serve them by helping them come to terms with their grief. (United States Catholic Bishops statement on Capital Punishment. 1997)

We "are called to be a community of conscience within the large society and to test public life by the moral vision anchored in Scripture and consistent with the best of our nation's founding ideals." (United States Catholic Bishops statement: "Faithful Citizenship")

As a society, we must struggle to find more humane, more hopeful and more effective responses to violent crime. Each of us bears responsibility to foster an attitude in a broader society, which affirms human life and rejects vengeance as a means of promoting justice. Ultimately the question before us should be: how do we best preserve human life and the dignity of all persons, while at the same time ensuring respect for law and the protection of our society?

Our answer to this question will determine the kind of society we want to be. We seek a society of justice, not vengeance and violence. We believe a determined, though compassionate response to crime, that forgoes the violence of death penalty, is more consistent with respect for all of human life. It will better protect the rights of all persons. (Cardinal Joseph Bernardin, 1989)

Respect for all human life and the opposition to violence in our society are at the root of our long standing position against the death penalty. We see the death penalty as perpetuating a cycle of violence and promoting a sense of vengeance in our culture.

We oppose the death penalty not just for what it does to those guilty of heinous crimes, but for what it does to all of us; it offers the tragic illusion that we can defend life by taking life. (Most Rev. Joseph Fiorenza, President of the National Conference of Catholic Bishops / United States Catholic Conference, 1999)

We urge governments to seek alternatives to the death penalty that reflect intelligence, civility, compassion and justice. Restoration of society and the healing of victims, as well as reform and rehabilitation of the offenders, must be the goals of a criminal justice system.

We support the moratorium called for by Pope John Paul II in his 1998 Christmas address and the international initiative "Moratorium Now", a movement organized to suspend all executions.

We call on all governments to suspend the death penalty and to ratify the Optional Protocol to the International Covenant on civil and political rights on ending the death penalty.

Signed:

Adrian Dominican Sisters, Office of Global Mission, Justice and Peace

Adrian Dominican Sisters, Nokomis Mission Chapter

Blauvelt Dominican Sisters, Social Justice Committee

Dominican Leadership Conference, NGO

Dominican Sisters of Hope, Leadership Team

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